



January 30, 2009

SENATE BILL No. 532

DIGEST OF SB 532 (Updated January 28, 2009 6:14 pm - DI 87)

Citations Affected: IC 16-19; IC 16-37; IC 34-30.

Synopsis: Coroners. Establishes fees to obtain additional copies of death certificates. Establishes the coroner review board, which is established to review a coroner's determination of a cause of death upon the petition of a family member of the deceased. Allows the coroner review board to order a coroner to revise a certificate of death if the review board determines that the coroner made an incorrect determination as to the cause of a death.

Effective: July 1, 2009.

Merritt

January 15, 2009, read first time and referred to Committee on Local Government.
January 29, 2009, amended, reported favorably — Do Pass.

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SB 532—LS 7099/DI 107+



January 30, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 532

A BILL FOR AN ACT to amend the Indiana Code concerning public health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-19-15 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]:

4 **Chapter 15. Coroner Review Board**

5 **Sec. 1. As used in this chapter, "board" refers to the coroner**
6 **review board established by section 2 of this chapter.**

7 **Sec. 2. (a) The coroner review board is established within the**
8 **state department.**

9 **(b) The state department shall provide staff and administrative**
10 **support to the board.**

11 **Sec. 3. (a) The board consists of seven (7) members. The board**
12 **must include the following:**

13 **(1) The state health commissioner or the commissioner's**
14 **designee.**

15 **(2) Four (4) county coroners appointed by the governor, who**
16 **shall consider appointing coroners who are women or**
17 **members of minority groups.**

SB 532—LS 7099/DI 107+



(3) A citizen appointed by the governor who:

(A) has training in medico-legal death investigation;

(B) has training in forensic science;

(C) is a physician licensed under IC 25-22.5-1; or

(D) is a registered nurse.

(4) A physician appointed by the governor who is:

(A) licensed under IC 25-22.5-1; and

(B) certified by the American Board of Pathology in forensic pathology.

(b) Not more than two (2) of the county coroner members of the board may be from the same political party.

Sec. 4. (a) The state health commissioner or the commissioner's designee shall serve as chairperson of the board.

(b) The board shall annually elect a vice chairperson from among the members of the board.

Sec. 5. The board shall meet at the call of the chairperson.

Sec. 6. (a) Any family member of a deceased person who disputes a coroner's determination of a cause of death may petition the board to review a case. The board shall then review the coroner's determination of a cause of death listed on the certificate of death.

(b) In conducting a review under subsection (a), the board shall review every record concerning the deceased that is held by:

(1) a coroner;

(2) a law enforcement agency; and

(3) a hospital, physician, or mental health professional.

(c) The board may require any individual to provide testimony who may have information to assist the board in the review of a cause of death.

(d) If the board requests records from a hospital, physician, coroner, or mental health professional regarding a death that the board is investigating, the hospital, physician, coroner, or mental health professional shall provide the requested records, subject to IC 34-30-15, to the board.

Sec. 7. (a) Except as provided in subsection (b), meetings of the board are open to the public.

(b) Except as provided in subsection (d), a meeting of the board that involves:

(1) confidential records; or

(2) identifying information regarding the death of a person that is confidential under state or federal law;

shall be held as an executive session.

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(c) If a meeting is held as an executive session under subsection (b), each individual who:

(1) attends the meeting; and

(2) is not a member of the board;

shall sign a confidentiality statement prepared by the department. The board shall keep all confidentiality statements signed under this subsection.

(d) A majority of the members of the board may vote to disclose any report or part of a report regarding a review of death if the information is in the general public interest as determined by the board.

Sec. 8. Members of the board and individuals who attend a meeting of the board as an invitee of the chairperson:

(1) may discuss among themselves confidential matters that are before the board;

(2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the board; and

(3) except when acting:

(A) with malice;

(B) in bad faith; or

(C) with gross negligence;

are immune from any civil or criminal liability that might otherwise be imposed as a result of communicating among themselves about confidential matters that are before the board.

Sec. 9. The state department shall provide training to the board.

Sec. 10. The affirmative votes of a majority of the members of the board are required for the board to take action on any measure.

Sec. 11. If the board determines that a coroner incorrectly determined a cause of death, the board may order the coroner to issue a corrected certificate of death listing the cause of death determined by the board. A coroner is bound by the determination of the board as to the cause of death. The board shall prepare a report regarding the board's determination of the cause of death. The report may be inspected and copied under IC 5-14-3.

Sec. 12. The expenses of the board shall be paid from funds appropriated to the state department.

SECTION 2. IC 16-37-1-9, AS AMENDED BY P.L.3-2008, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) **Except as provided in subsection (c)**, a local health department may make a charge under

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IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration. IC 5-14-3-8(d) does not apply to the health department making a charge for a certificate of birth, death, or stillbirth registration under IC 16-20-1-27.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), the coroners continuing education fee described in ~~subsection~~ **subsections (d) and (e)** must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:

(A) the person's service in the armed forces of the United States; or

(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.

(2) To establish or to verify the age of a child in school who desires to secure a work permit.

(d) The coroners continuing education fee is:

(1) one dollar and seventy-five cents (\$1.75) after June 30, 2007, and before July 1, 2013;

(2) two dollars (\$2) after June 30, 2013, and before July 1, 2018;

(3) two dollars and twenty-five cents (\$2.25) after June 30, 2018, and before July 1, 2023;

(4) two dollars and fifty cents (\$2.50) after June 30, 2023, and before July 1, 2028;

(5) two dollars and seventy-five cents (\$2.75) after June 30, 2028, and before July 1, 2033;

(6) three dollars (\$3) after June 30, 2033, and before July 1, 2038;

(7) three dollars and twenty-five cents (\$3.25) after June 30, 2038, and before July 1, 2043; and

(8) three dollars and fifty cents (\$3.50) after June 30, 2043.

(e) The coroners continuing education fee for additional copies of a certificate of death are as follows:

(1) An additional copy is one dollar (\$1).

(2) A second additional copy is two dollars (\$2).

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1 **(3) A third additional copy is three dollars (\$3).**

2 **(4) A fourth additional copy is four dollars (\$4).**

3 **(5) Each additional copy is four dollars (\$4) for each copy.**

4 SECTION 3. IC 34-30-20-64.5 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2009]: **Sec. 64.5. IC 16-19-15-8 (Concerning**
7 **a member of the coroner review board or a person who attends a**
8 **meeting of the coroner review board as an invitee of the**
9 **chairperson).**

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 532, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 12.

Page 3, delete lines 23 through 31, begin a new paragraph and insert:

"Sec. 3. (a) The board consists of seven (7) members. The board must include the following:

(1) The state health commissioner or the commissioner's designee.

(2) Four (4) county coroners appointed by the governor, who shall consider appointing coroners who are women or members of minority groups.

(3) A citizen appointed by the governor who:

(A) has training in medico-legal death investigation;

(B) has training in forensic science;

(C) is a physician licensed under IC 25-22.5-1; or

(D) is a registered nurse.

(4) A physician appointed by the governor who is:

(A) licensed under IC 25-22.5-1; and

(B) certified by the American Board of Pathology in forensic pathology.

(b) Not more than two (2) of the county coroner members of the board may be from the same political party."

Page 3, delete lines 37 through 41, begin a new paragraph and insert:

"Sec. 6. (a) Any family member of a deceased person who disputes a coroner's determination of a cause of death may petition the board to review a case. The board shall then review the coroner's determination of a cause of death listed on the certificate of death."

Page 3, line 42, delete "(c)" and insert "(b)".

Page 4, line 5, delete "(d)" and insert "(c)".

Page 4, line 8, delete "(e)" and insert "(d)".

Page 5, line 11, after "board." insert **"A coroner is bound by the determination of the board as to the cause of death. The board shall prepare a report regarding the board's determination of the cause of death. The report may be inspected and copied under**

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IC 5-14-3."

Page 6, delete lines 27 through 42.

Delete page 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 532 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 8, Nays 0.

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